U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PE-RE **FILE NUMBER:** SWG-2007-124

			FORMATION:			
	ate:	Texas				
	ounty:	Galvesto		- ) .	20 5122(CN) 04 002472(N)	
			te (latitude/longitud		29.513366 N -94.9824726 W guplands: 0.02 acres.	
			ay: Galveston Bay	, including	g upialius. 0.02 acres.	
	ame of water		HUC: 12040204	West Ga	lveston Bay, TX	
HIDIO	DICTION	AT DEME	DMINATION			
			RMINATION determination	M	Date: 4/17/2007	
C	mpicicu.	-		⊠ □	Date(s):	
		Site visit(	(8)		Date(s).	
Ju	risdiction	al Determi	nation (JD):			
ä	United S		or "navigable water		, \( \text{ there appear to be (or) } \(  there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable	
×		ed JD – An ll that apply		ıppealable	action (Reference 33 CFR part 331).	
	☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	Ther	e are "isolo			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No	
DACIC	OF HIDIS	CDICTION	AL DETERMINA	TION.		
DASIS A.					vigable waters of the United States":	
×	The pres	ence of wat	ters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.	
В.	Waters	defined un	der 33 CFR part 3	28.3(a) as	"waters of the United States":	
$\boxtimes$					sed, or were used in the past, or may be susceptible to use in	
					ers which are subject to the ebb and flow of the tide.	
			interstate waters in			
					e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or	
					tifications, playa takes, or flattial politis, the use, degradation of there including any such waters (check all that apply):	
					r foreign travelers for recreational or other purposes.	
					be taken and sold in interstate or foreign commerce.	
					purposes by industries in interstate commerce.	
- 6			of waters otherwise			
			a tributary to a wate territorial seas.	er identifie	ed in (1) – (4) above.	
	(0) The p	oresence of	wetlands adjacent <sup>2</sup>	to other w	raters of the US, except for those wetlands adjacent to other wetlands.	
<b>.</b>		4 5	e v · · · · · ·		At A P. A	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Galveston Bay is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

		FILE NUMBER: SWG-2007-124
	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	329)  High Tide Line indicated by:  □ oil or scum line along shore objects  fine shell or debris deposits (foreshore)  □ physical markings/characteristics  □ tidal gages  □ other: as stated by applicant
	<ul> <li>Mean High Water Mark indicated by:</li> <li>         □ survey to available datum; □ physical markings; □ vege</li> </ul>	tation lines/changes in vegetation types.
350	Wetland boundaries, as shown on the attached wetland delinea	tion map and/or in a delineation report prepared by:
Ba 	Unable to confirm the presence of waters in 33 CFR part 328(a Headquarters declined to approve jurisdiction on the basis of 3. The Corps has made a case-specific determination that the folk United States:  Waste treatment systems, including treatment ponds or Artificially irrigated areas, which would revert to uplan Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such purice growing.  Artificial reflecting or swimming pools or other small of by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and	S CFR part 328.3(a)(3).  Sowing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3.  In dif the irrigation ceased.  In diking dry land to collect and reposes as stock watering, irrigation, settling basins, or remainertal bodies of water created primarily aesthetic reasons.  In construction activity and pits excavated in dry land for until the construction or excavation operation is finition of waters of the United States found at 33 CFR commerce.  Resources Conservation Service. Explain rationale:
	Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Bacliff,  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 7.5 Minute Topographs (Narvey:  National Wetland Service Soil Survey:  National Wetland Maps:  Indicate Topographs (Narvey:  National Minute Historic quadrangles:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Su	cant. , prepared by (company): ed , prepared by (company):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., Becocurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: 24494

S C A N	tate Cour Cent Cent Ipp	e: nty: er coordi roximate ne of near	Texas Calhour nates of s size of ar est water	n sites (latit ea (parce way: Site	l) reviewed	, includin	1: 28 30 49.52, 96 29 48.10; Site 2: 28 30 53.09, 96 29 21.82 g uplands: 1.79 acres. e; Site 2 – Matagorda Bay
			AL DET Desktop Site vis	determi		⊠ □	Date: 29 April 2007 Date(s):
J	uri	sdictiona	ıl Detern	ination	(JD):		
		Prelimin United S	ary JD - I	Based on d/or "nav	available ir igable wate		n, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	₫		ed JD – A II that app		ed JD is an	appealabl	e action (Reference 33 CFR part 331).
		☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0.44 acre.</u>					
							defined by 33 CFR part 328 and associated guidance) within the nal area: _0.01 acre.
		☐ There	e are "iso		on supporte		ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.
A	١.	Waters The pres	defined u	inder 33 aters tha	t are subjec	<b>329 as "n</b> to the eb	navigable waters of the United States":  bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
] ] ] ]		(1) The   interstate (2) The   (3) The   sandflate destructi   (i) v   (ii) (4) Impo (5) The (6) The	presence e or foreignesence presence s, wetland ion of which are from which are bundment presence presence	of waters gn comm of interst of other v ls, slough ich could or could ch fish or e or coul s of wate of a tribu	which are erce, include ate waters in waters such as, prairie per affect inter be used by r shellfish a d be used for so therwise tary to a warial seas.	currently ling all wa neluding i as intrasta otholes, w estate com interstate re or coul- or industri e defined ater identif	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands <sup>1</sup> .  ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. Ital purposes by industries in interstate commerce. Ital purposes by industries in interstate commerce.  Ital purposes by industries in interstate commerce.  Ital purposes the US.  Italian interstate commerce.  I

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Site 1 consists of fill placed in wetlands adjacent to Powderhorn Lake, which is tidally connected to Matagorda Bay. Site 2 consist of fill placed along shoreline of Matagorda Bay in tidal waters.

FILE NUMBER: 24494

	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  Changes in the character of soil  destruction of terrestrial vegetation  The character of the character of soil  cher: hydrophytic vegetation  Ordinary High Water Mark indicated by:  High Tide Line indicated by:  Oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
Ø	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated

<sup>&</sup>lt;sup>T</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CE-SWG-RCC FILE NUMBER: SWG-2007-0296

PRO	Cou Cent App Nam	e: nty: ter coordii roximate :	TX Nueces nates of si size of are est waterw	te (latitude/lo a (parcel) rev ray: Oso Creo South Corp	ongitude): viewed, incl ek	luding	N27.7085 W97.4565 uplands: 268 acres.
JUF				RMINATIO determinatio (s)			Date: 5/1/07 Date(s):
	Juri	sdictiona	l Determi	nation (JD):			
	$\boxtimes$	United S	tates" and				$\square$ there appear to be (or) $\boxtimes$ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
	$\boxtimes$		d JD – An I that appl		is an appe	alable	action (Reference 33 CFR part 331).
		☐ There	e are "nav wed area.	igable waters Approximat	of the Unit e size of jur	ted Star	tes" (as defined by 33 CFR part 329 and associated guidance) within onal area:
				ers of the Un proximate siz			efined by 33 CFR part 328 and associated guidance) within the larea:
		☐ There	e are "isol		pported by		e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BAS	A.	Waters of The prese	defined un ence of wa	ters that are	R part 329 a subject to th	as "nav ne ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.
	B	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (5) The printerstate (6) The printerstate (7) The p	oresence of e or foreign presence of presence of s, wetlands on of which which are of from which which are sundments presence of	f waters, whin commerce, finterstate we fother water solughs, procheduld affeor could be under the fish or shell or could be of waters off a tributary of territorial seconds.	ch are curre including a aters includ s such as in airie pothole ct interstate sed by inter lfish are or used for ind nerwise defi to a water ice eas.	ently us ill wate ling int trastate es, wet comm state of could lustrial ined as dentifie	"waters of the United States": sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands. e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce. waters of the US. ed in (1) – (4) above.  atters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ other: □ other: □ others
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:    Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.   Artificially irrigated areas, which would revert to upland if the irrigation ceased.   Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.   Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.   Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).   Isolated, intrastate wetland with no nexus to interstate commerce.   Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:   Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Oso Creek NW, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actional wetlands inventory maps: Oso Creek NW, TX  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CE-SWG-RCC FILE NUMBER: SWG-2007-0511

Stat Cou Cer App Nar	e: inty: iter coordi proximate	TX San Patri nates of sit size of are est waterw	e (latitude/longitu	ed, including annel	N27.8234 W97.2169 g uplands: 0.46 acres.
					Date: 5/1/07 Date(s):
Jur	isdictiona	l Determi	nation (JD):		
	United S	tates" and			, ☐ there appear to be (or) ☐ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
$\boxtimes$		d JD – An I that appl		n appealable	e action (Reference 33 CFR part 331).
					ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 0.06 acres.
			ers of the United S proximate size of		defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There	e are "isol			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters of The pres	defined un ence of wa	ters that are subje	t 329 as "na	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in but interstate or foreign commerce.
B.	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) Important (5) The printerstate (6) The printerstate The printers	presence of e or foreign presence of presence of s, wetlands don of which which are of from which which are bundments presence of	f waters, which are commerce, include interstate waters fother waters such, sloughs, prairie and could affect into could be used by fish or shellfish or could be used of waters otherwiff a tributary to a wifterritorial seas.	e currently or ding all ware including in has intrasta potholes, we erstate coming interstate are or could for industrial se defined a vater identif	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. nterstate wetlands.  te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. al purposes by industries in interstate commerce. us waters of the US. ited in (1) – (4) above.  waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(l) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The property is located immediately adjacent to the La Quinta Ship Channel

2

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
⊠	Mean High Water Mark indicated by:  ⊠ survey to available datum; ⊠ physical markings; □ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Ingleside, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic equadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic qu

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: SWG-2007-544

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: SWG-2007-544 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: Survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: ☐ U.S. Geological Survey Hydrologic Atlas: ☑ U.S. Geological Survey 7.5 Minute Topographic maps: MISSION, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): NAIP, 2004 Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

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	CT OFFI UMBER:						
Stat Cou Cen App Nan	e: inty: iter coordi proximate	Texas Galvesto nates of si size of are est waterw	te (latitude/	longitud eviewed, Galveston	including Bay	29.2637° N, 94.9016 W g uplands: 0.26 acres.	
			RMINATI determinati (s)		⊠ □	Date: 2 May 2007 Date(s):	
Jur	isdictiona	l Determi	nation (JD	)):			
	Prelimina United S	ary JD - B tates" and	ased on ava	ailable in ble water	formation, rs of the U	, there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable	
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:						
						ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.26 acre.	
						defined by 33 CFR part 328 and associated guidance) within the al area: 0.26 acre.	
	There	e are "isol		supported		te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No	
BASIS ( A.	Waters of	defined un ence of wa	iters that are	FR part 3 e subject	329 as "na to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.	
B. ⊠	(1) The printerstate (2) The printerstate (2)	oresence of or foreign oresence o	f waters, when commerce finterstate	hich are o e, includi waters in	currently using all wat including in	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands.  te lakes, rivers, streams (including intermittent streams), mudflats,	
	sandflats destructi (i) v (ii) v (iii)	, wetlands on of which which are of from which which are	s, sloughs, p ch could aff or could be h fish or sh c or could be	orairie por fect inters used by it ellfish ar e used fo	otholes, we state comm interstate or e or could r industria	et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes.  I be taken and sold in interstate or foreign commerce.  Il purposes by industries in interstate commerce.  Is waters of the US.	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: West Galveston Bay is contiguous with the Gulf of Mexico, subject to the ebb and flow of the tides and is traversed by a federally maintained navigation channel. Therefore West Galveston Bay is a navigable water of the U.S.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: SWG-2007-155

al Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Junable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Jeadquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Jurited States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
Aviewed For Jursidictional Determination (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps: Virginia Point, Texas Quadrangle  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 17 Minute Historic quadrangles:  J.S. Geological Survey 18 Minute Historic quadrangles:  J.S. Geological Survey 19 Minute

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	UMBER: SWG-2007-164		
Stat Cou Cen App Nan	ct Location information:  de: Texas  de: Matagorda County  der coordinates of site (latitude/longitude)  deroximate size of area (parcel) reviewed  dene of nearest waterway: Colorado River  dene of watershed: Huc Code: 12090	l, includi	
	npleted: Desktop determination Site visit(s)	×	Date: 2 May 2007 Date(s):
Jur	isdictional Determination (JD):		
			on, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – An approved JD is an Check all that apply:	appealat	ple action (Reference 33 CFR part 331).
	☑ There are "navigable waters of the the reviewed area. Approximate size		States" (as defined by 33 CFR part 329 and associated guidance) within ictional area: 0.04 acre.
	There are "waters of the United St reviewed area. Approximate size of ju		s defined by 33 CFR part 328 and associated guidance) within the onal area:
			state waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (A.		<b>329 as "</b> t to the e	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in
B. ⊠	interstate or foreign commerce, include (2) The presence of interstate waters in	currently ling all w ncluding	y used, or were used in the past, or may be susceptible to use in vaters which are subject to the ebb and flow of the tide.
	sandflats, wetlands, sloughs, prairie pedestruction of which could affect inter  (i) which are or could be used by  (ii) from which fish or shellfish a  (iii) which are or could be used for	otholes, verstate cor interstate re or cou or indust	wet meadows, playa lakes, or natural ponds, the use, degradation or mmerce including any such waters (check all that apply): e or foreign travelers for recreational or other purposes. ald be taken and sold in interstate or foreign commerce. rial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Colorado River is contiguous with the Gulf of Mexico, the GIWW a federally maintained navigation channel and Matagorda Bay. It is tidal in its lower reaches and therefore this river is a navigable water of the United States.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: SWG-2007-164 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company Data sheets prepared by the Corps.
Corps' navigable waters' studies:
U.S. Geological Survey Hydrologic Atlas:
U.S. Geological Survey 7.5 Minute Topographic maps: Wadsworth Texas Quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles:
U.S. Geological Survey 15 Minute Historic quadrangles:
U.S. Geological Survey 15 Minute Historic quadrangles:
USDA Natural Resources Conservation Service Soil Survey:
National wetlands inventory maps: Wadsworth Texas Quadrangle
State/Local wetland inventory maps:
FEMA/FIRM maps (Map Name & Date):
100-year Floodplain Elevation is: (NGVD)
Aerial Photographs (Name & Date):
Other photographs (Date):
Advanced Identification Wetland maps:
Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify): Multiple DA Permits along the Colorado River This office does not concur with the delineation report, dated , prepared by (company): Other information (please specify): Multiple DA Permits along the Colorado River

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Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	UMBER: SWG-2007-94
Stat Cou Cen App Nan	e: Texas unty: Chambers ter coordinates of site (latitude/longitude): 29.5674° N, 94.4265° W proximate size of area (parcel) reviewed, including uplands: 0.18 acres. une of nearest waterway: Gulf Intracoastal Waterway une of watershed: Huc Code: 12040202, East Galveston Bay
	ICTIONAL DETERMINATION  npleted: Desktop determination Site visit(s)  Date: 2 May 2007  Date(s):
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.18 acre.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
	<ul> <li>(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) − (4) above.</li> </ul>

(6) The presence of territorial seas.
(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is in wetlands contiguous with the Gulf Intracoastal Waterway, a federally maintained navigation channel subject to the ebb and flow of the tide. Therefore these wetlands are waters of the United States.

FILE NUMBER: SWG-2007-94 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: High Island Texas Quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: High Island Texas Quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Other information (please specify): multiple DA PErmits along the GIWW

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Site visit/determination conducted on: Applicable/supporting case law:

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District **FILE NUMBER:** SWG-2007-584

<b>PROJE</b>	CT LOCATION IN	NFORMATION:		
Cer Ap <sub>l</sub> Nai	unty: Polk nter coordinates of so proximate size of are	ite (latitude/longitud ea (parcel) reviewed, way: Lake Livingstor Trinity River	including	30.7034 N / 95.0724 W uplands: 0.05 acres.
	DICTIONAL DETE mpleted: Desktop Site visit	determination		Date: 5-3-07 Date(s):
Jur	isdictional Determ	ination (JD):		
		or "navigable water		there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
$\boxtimes$	Approved JD – An Check all that appl		ppealable	action (Reference 33 CFR part 331).
				ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.05-acre.
		ers of the United Sta proximate size of just		efined by 33 CFR part 328 and associated guidance) within the ll area:
	☐ There are "isol			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
Α.	Waters defined up The presence of wa	iters that are subject	29 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
B	(1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands destruction of which is a continuous (ii) which are (iii) which are (4) Impoundments (5) The presence of (6) The presence of interstate of	f waters, which are concommerce, including finterstate waters incommerce for the waters such a second affect intersor could affect intersor could be used by incommerce for could be used for of waters otherwise of a tributary to a water ferritorial seas.	urrently using all water cluding into a intrastate situate committerstate or could industrial defined as er identifie	e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce.
D-4	ionala fan tha Dasia	of Issuindintinual D		tion (applies to any house should show). If the invitational

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-2007-584

La	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
$\boxtimes$	Mean High Water Mark indicated by:  ⊠ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Blanchard, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District **FILE NUMBER:** SWG-2007-585

PROJE	CT LOCATION	ON INFORMATION:		
Sta	te: Te	exas		
Co	unty: Sa	n Jacinto		
		es of site (latitude/longitude		(UTM) 297236 E N / 3392898 N
Ap	proximate size	of area (parcel) reviewed	l, including	g uplands: 0.05 acres.
Na	me of nearest v	waterway: Lake Livingsto	n	
Na	me of watershe	ed: Trinity River		
JURISI	DICTIONAL	DETERMINATION		
Co	mpleted: De	esktop determination	$\boxtimes$	Date: 5-3-07
	Sit	te visit(s)	П	Date(s):
		. ,	_	• •
Ju		etermination (JD):		
	United States	JD - Based on available in s" and/or "navigable wate 3 CFR part 331).	nformation rs of the U	, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the inited States" on the project site. A preliminary JD is not appealable
	Approved JD Check all tha		appealable	e action (Reference 33 CFR part 331).
		e "navigable waters of the area. Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: 0.05-acre.
		e "waters of the United Sta a. Approximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There are			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
DACIC	OF HIDIODIC	CTIONAL DETERMINA	ATTON.	
				vigable waters of the United States":
	The presence	of waters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
В.	Waters defin	ned under 32 CED neut 1	229 2(a) a	s "waters of the United States":
				ised, or were used in the past, or may be susceptible to use in
_	interstate or f	foreign commerce, includi	ing all wate	ers which are subject to the ebb and flow of the tide.
		ence of interstate waters in		
[8]				e lakes, rivers, streams (including intermittent streams), mudflats,
				t meadows, playa lakes, or natural ponds, the use, degradation or
	_			nerce including any such waters (check all that apply):
				or foreign travelers for recreational or other purposes.
				be taken and sold in interstate or foreign commerce.
i				l purposes by industries in interstate commerce.
		ments of waters otherwise		
<b>3</b>		ence of a tributary to a wat	er identifie	ed in $(1) - (4)$ above.
		ence of territorial seas.	44	estant of the LIC amount for those west-of-de-di-sector of
1	(7) The prese	nce of wetlands adjacent	to other w	vaters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-2007-585

	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Ø	Mean High Water Mark indicated by:  ⊠ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Blanchard, TX  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District FILE NUMBER: SWG-2007-66 PROJECT LOCATION INFORMATION: State: Texas County: San Jacinto Center coordinates of site (latitude/longitude): 30.7816 N / 95.1689 W Approximate size of area (parcel) reviewed, including uplands: 0.04 acres. Name of nearest waterway: Lake Livingston Name of watershed: Trinity River JURISDICTIONAL DETERMINATION Completed: Desktop determination  $\boxtimes$ Date: 5-3-07 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.04-acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

#### BASIS OF JURISDICTIONAL DETERMINATION:

Jurisdiction.

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: SWG-2007-66 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: ☐ U.S. Geological Survey Hydrologic Atlas: ☑ U.S. Geological Survey 7.5 Minute Topographic maps: Stephen Creek, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):

(NGVD)

100-year Floodplain Elevation is: Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 24427

PRO.	JEC	T LOCA	TION I	NFORMATIO	N:	
9	State	<b>:</b> :	Texas			
	Cour		Matago			
				site (latitude/lon		28.7571° N, 96.0008° W
						g uplands: 0.024 acres.
1	Nam	e of near	est water	way: Colorado l	River	
1	Nam	e of wate	rshed:	Huc Code: 12	2100401, Centr	al Matagorda Bay
JURI	SDI	CTION	AL DET	ERMINATION	N	
				p determination		Date: 4 May 2007
		•	Site vis		⊠□	Date(s):
			0	(0)	Sec. 13	2 4.0(0)
j	Juri	sdictiona	l Detern	nination (JD):		
-		Prelimin	ary ID -	Rased on availal	ble information	$n, \square$ there appear to be (or) $\square$ there appear to be no "waters of the
•						Inited States" on the project site. A preliminary JD is not appealable
				R part 331).	waters of the t	Strice States on the project site. A premimary 3D is not appearable
		(IXCICICII)	<b>cc</b> 33 C1	K part 331).		
1	X	Annrove	d ID – A	n approved ID i	is an a <del>nne</del> alahl	e action (Reference 33 CFR part 331).
•		Check al			is air appearaor	o desion (rector office 35 of re pair 551).
		CHECK M	i tilat app	piy.		
		X There	are "na	vigable waters o	of the United S	tates" (as defined by 33 CFR part 329 and associated guidance) within
						etional area: 0.024 acre.
		the revie	wed area	. Approximate	size of julisale	nional area. 0.024 acre.
		There	are "w	aters of the Unit	ed States" (as	defined by 33 CFR part 328 and associated guidance) within the
						nal area: 0.024 acre.
		icvicwed	aica. A	ipproximate size	or jurisdiction	ar area. 0.024 acre.
		There	are "iso	olated non-navi	gable, intra-st	ate waters or wetlands" within the reviewed area.
		17/6/6				ANCC/Migratory Bird Rule Information Sheet for Determination of No
				Jurisdiction.	ported by 5 m	The configuration of the configuration of the
				•		
BASI	s o	F.JURIS	DICTIO	ONAL DETER	MINATION:	
						avigable waters of the United States":
						b and flow of the tide and/or are presently used, or have been used in
						ort interstate or foreign commerce.
		me past,	oa, c	or one or prior to	. 400 <u>10 114110</u>	<u></u>
1	R.	Waters	defined :	under 33 CFR i	nart 328.3(a) s	as "waters of the United States":
						used, or were used in the past, or may be susceptible to use in
						iters which are subject to the ebb and flow of the tide.
1						nterstate wetlands <sup>1</sup> .
						ate lakes, rivers, streams (including intermittent streams), mudflats,
						et meadows, playa lakes, or natural ponds, the use, degradation or
						merce including any such waters (check all that apply):
						or foreign travelers for recreational or other purposes.
						d be taken and sold in interstate or foreign commerce.
						al purposes by industries in interstate commerce.
ı						as waters of the US.
						fied in (1) – (4) above.
	4	` '		of territorial sea		(1) (1) above.
						waters of the US, except for those wetlands adjacent to other wetlands.
		(/) The p	A COUNCE	or wettanus auja	accine to other	waters of the ob, except for those wettains adjacent to other wettains.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Colorado River is contiguous with the Gulf of Mexico, the GIWW a federally maintained navigation channel and Matagorda Bay. It is tidal in its lower reaches and therefore this river is a navigable water of the United States.

**FILE NUMBER: 24427** 

eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Blessing SE Texas Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. DA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Blessing SE Texas Quadrangle  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): Multiple DA Permits along the Colorado River

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>8</sup>T)

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston District FILE NUMBER: SWG-2007-34 PROJECT LOCATION INFORMATION: State: Texas Liberty County: Center coordinates of site (latitude/longitude): 30.0425 N / 94.8247 W Approximate size of area (parcel) reviewed, including uplands: 1.75 acres. Name of nearest waterway: Trinity River Name of watershed: Trinity River JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 5-4-07 П Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.75-acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

2 FILE NUMBER: SWG-2007-34 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or  $\Box$ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  $\Box$ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Liberty, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):

(NGVD)

100-year Floodplain Elevation is:

Other photographs (Date):

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	CT OFFICE: CESWG-PE-RN - Galveston District JMBER: SWG-2007-602	
Sta Cor Cer Ap Na	ct LOCATION INFORMATION: e: Texas nty: Matagorda ter coordinates of site (latitude/longitude): 28 25.865 / 96 20.531 roximate size of area (parcel) reviewed, including uplands: 0.0128 acres. ne of nearest waterway: Matagorda Bay ne of watershed: 12100401 - Central Matagorda Bay	
	ICTIONAL DETERMINATION  Inpleted: Desktop determination Site visit(s)  Date: May 4, 2007  Date(s):	
Jui	sdictional Determination (JD):	
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).	
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area: Less than 1 acre.	ıin
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: Less than 1 acre.	
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction.	No
A.	F JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.	n
B. ⊠ □	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):	

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-2007-304

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  We High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other: As Provided by Applicant
*.	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
秀3	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.